

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

IN RE WASHINGTON MUTUAL
MORTGAGE BACKED SECURITIES
LITIGATION,

This Document Relates to: ALL CASES

MASTER CASE NO. C09-037 MJP

**[PROPOSED] ORDER GRANTING
DEFENDANTS' MOTION TO
PRECLUDE USE OF UNTIMELY
DISCLOSED WITNESSES
PURSUANT TO FED. R. CIV. P.
37(c)(1)**

THIS MATTER came before the Court on Defendants' Motion to Preclude Use of Untimely Disclosed Witnesses Pursuant to Fed. R. Civ. P. 37(c)(1). The Court having considered Defendants' Motion to Preclude Use of Untimely Disclosed Witnesses Pursuant to Fed. R. Civ. P. 37(c)(1), the Declaration of Nicholas A. Jackson in Support of Defendants' Motion to Preclude Use of Untimely Disclosed Witnesses and exhibits thereto, any response and reply thereto, and having been fully advised in these matters, hereby GRANTS the motion and ORDERS as follows:

*[Proposed] Order Granting Defendants' Motion to
Preclude Use of Untimely Disclosed Witnesses Pursuant
to Fed. R. Civ. P. 37(c)(1)
(CV09-037 MJP)*

**HILLIS CLARK MARTIN &
PETERSON P.S.**
1221 Second Avenue, Suite 500
Seattle, Washington 98101-2925
Telephone: (206) 623-1745
Facsimile: (206) 623-7789

Pursuant to Rule 37(c)(1) of the Federal Rules of Civil Procedure:

- Exhibits 36 and 37 to the Declaration of John T. Jasnoch in Support of Plaintiffs' Opposition to Defendants' Motion for Summary Judgment (Dkt. 415) and any references to or arguments made in reliance thereon in Plaintiffs' Opposition to Defendants' Motion for Summary Judgment (Dkt. 414) are hereby stricken; and
- Plaintiffs shall be precluded from presenting testimony on a motion, at a hearing, or at trial from any of the following witnesses:

Janis Adler; Bacc Alexander; Rob Alinder; Kathleen Allen; Lisa Alvarez; Lesa Alvizures; Amy Anderson; Khara Anderson; Ricardo Arambula; Barbara Babik; Jared Baker; Lisa Baker; Marin Balogh; Kathy Barrera; Tim Bates; Charyl Baugh; Amy Beggs; Jennifer Bennet; Steven M. Berman; Amy Bernstein; Ron Betarie; Leslie Bidelson; John Bier; Chris Bifone; Jason W. Blackford; Scott R. Bledsoe; Teresa Bondurant; Sandy Brahm; Evelyn Brown; Jen Buchanan; Nancy Butzen; Paul Campbell; Anthony Cangemi; Yolanda B. Capati; Gary Chase; Henry C. Chen; Steven D. Columbus; Cleo Coman; Amy Condon; Bridget Connolly; Stephanie Cook; Keysha Cooper; Ian Cornett; Sam Crocker; Mark C. Crowley; Lee Cubbedge; Michele Culberston; Henry Darakhovskiy; Stephanie S. Dean; Mabette Del Rosario; Christina Dell'Orco; Joseph Delsandro; Al Denson; Derrick Dominguez; Monica Dominguez; Pamela Dominguez; David A. Douglas; Randy Duran; Scott Edwards; Henry Engelken; Kristine Ennis; Sandra Estrella; Marcus Falz; Dona Farnbauch; Jeffrey Filby; Cathryn Finley; Lisa Fogelsanger; Karen Fridley; Latryce D. Fuller; Maureen Gardner; Lauri Garza; Kelly Gates; Alana Giggins; Christina Gil; Dan Gilbert; Erica Gilbert; Josh Goldberg; Nancy Gonseth; Ashley Grissom; Rick Gurney; Keri Hayashi; Maria Hearn; Rosemarie Heine; Antoinette Hendryx; Josh Hogan; Mike Huggins; Diana Jeanty; Lisa Jimenez;

Michelle Joans; Kyle Johnson; Lynne Johnston; Clifford Jones; Nina Jones;
Tiffany Jones; Melih Kahraman; Alpa Kamani; Heidi Kantola; Robyn Kehrli;
Valerie Kirkpatrick; Nicole J. Kitatani; Julie Korman; Dot Lackey; Martine Lado;
Dennis Lai; Michael Lash; Venessa Lawson; Trang Le; Paul Leboeuf; Andrew Lee;
David M. Lehman; Rosario Lopez; Mario Loria; Denise Luedtke; Alvida Marchuk;
Corey L. Martin; Chad Masters; William McManus; Suzanne Mellon;
Lisa Menapace; Theresa Mendez; Anthony Meola; Robert Miles; Kristen Miller;
Sheri Miller; George Milsap; Earl Moore; Ernie Mortenson; Bilal Muhammad;
Nikki M. Myers; David Nagle; Greg Nelson; Tiffany Nelson; Denise O'Brien;
Edward M. O'Brien; Joseph O'Brien; Peter O'Kane; Janet O'Keefe;
Anthony Oscarson; Irma Padilla; Kwang Paik; Theresa Pearson-Melton;
Joseph H. Pezley; Alice Potter; Leah Priceman; Michael Provencio; Ryan Quigley;
Tom Ramirez; Marianne Rego; Qiana Reynolds; Debra Rider; Sally Roark;
Charles Romeo; Meridith Rood; Bobbie Rothfeld; Saunja Rutledge; Greg Saffer;
Lupe Sanchez; Daniel Savage; Sandra L. Schaefer; Robina Schenck; Betty Schwab;
Rahul Sen; MewLan Seto; Roya Shabtaie; Kerry Shmmin; Jennifer Shoemaker;
Terry Shofner; Azra Siddiqui; Brenda Sifodaskalakakis; Jill Simons; Eric Skeen;
Mac Skimming; Lezlea Smith; Jennifer Speidel; Anthony L. Stripling; Tomas Suazo;
Leland Sundstrom; Lea Ann Sweere; Kristie Szypula; Jean Tador; Sandra Taylor;
Colleen A. Tetrick; Liquitha D. Thompson; Elizabeth Torres; Patricia Toscano;
Chad Troutwine; Lydia Upshaw; Linda Valles; Arletta V. Vass; Dan Vastola;
Melanie Vides; Sherry Diane Wade; Cheryl Waid; Michelle Y. Walker;
Gwendolyn Washington; Dwight Wiles; Trent Williams; Laura Wofford; Jack Wu;
Rebecca C. Yankah; Irene Yim; Richard I. Yngson; Bob Youngs; Sherri D. Zaback;
David Zielke; Dana Zweibel.

1 IT IS SO ORDERED.

2 DATED this ____ day of _____ 2012.

3
4
5
6

The Honorable Marsha J. Pechman
UNITED STATES DISTRICT JUDGE

7 Presented by:

8 **HILLIS CLARK MARTIN & PETERSON, P.S.**

9 Louis D. Peterson, WSBA #5776

10 Brian C. Free, WSBA #35788

11 1221 Second Avenue, Suite 500

12 Seattle WA 98101-2925

13 Telephone: (206) 623-1745

14 Facsimile: (206) 623-7789

15 Email: ldp@hcmp.com

16 bcf@hcmp.com

17
18 *Attorneys for Defendants WaMu Asset*
19 *Acceptance Corp., WaMu Capital Corp.,*
20 *David Beck, Richard Careaga, Rolland*
21 *Jurgens, and Diane Novak*
22
23
24
25

[Proposed] Order Granting Defendants' Motion to
Preclude Use of Untimely Disclosed Witnesses Pursuant
to Fed. R. Civ. P. 37(c)(1)
(CV09-037 MJP)

**HILLIS CLARK MARTIN &
PETERSON P.S.**
1221 Second Avenue, Suite 500
Seattle, Washington 98101-2925
Telephone: (206) 623-1745
Facsimile: (206) 623-7789

BINGHAM MCCUTCHEN LLP

David M. Balabanian (admitted *pro hac vice*)

John D. Pernick (admitted *pro hac vice*)

Frank Busch (admitted *pro hac vice*)

Three Embarcadero Center

San Francisco, CA 94111-4067

Telephone: (415) 393-2000

Facsimile: (415) 393-2286

Email: david.balabanian@bingham.com

john.pernick@bingham.com

frank.busch@bingham.com

*Attorneys for Defendants WaMu Asset
Acceptance Corp., WaMu Capital Corp.,
David Beck, Richard Careaga, Rolland
Jurgens, and Diane Novak*

CRAVATH, SWAINE & MOORE LLP

By: /s/ Michael A. Paskin

Evan R. Chesler (admitted *pro hac vice*)

Daniel Slifkin (admitted *pro hac vice*)

Michael A. Paskin (admitted *pro hac vice*)

Wes Earnhardt (admitted *pro hac vice*)

Cravath, Swaine & Moore LLP

Worldwide Plaza

825 8th Avenue

New York, NY 10019

Tel: (212) 474-1000

Fax: (212) 474-3700

Email: echesler@cravath.com;

dslifkin@cravath.com;

mpaskin@cravath.com;

wearnhardt@cravath.com

*Attorneys for Defendants WaMu Asset
Acceptance Corp. and WaMu Capital Corp.*

*[Proposed] Order Granting Defendants' Motion to
Preclude Use of Untimely Disclosed Witnesses Pursuant
to Fed. R. Civ. P. 37(c)(1)
(CV09-037 MJP)*

**HILLIS CLARK MARTIN &
PETERSON P.S.**
1221 Second Avenue, Suite 500
Seattle, Washington 98101-2925
Telephone: (206) 623-1745
Facsimile: (206) 623-7789

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of May, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Adam Zurofsky azurofsky@cahill.com

Amanda F. Lawrence alawrence@scott-scott.com

Anne L. Box abox@scott-scott.com

Barry Robert Ostrager bostrager@stblaw.com, managingclerk@stblaw.com

Bradley T. Meissner bradley.meissner@dlapiper.com

Brian O. O'Mara bo'mara@rgrdlaw.com, e_file_sd@rgrdlaw.com

Christopher E Lometti clometti@cohenmilstein.com

Daniel B Rehns drehns@cohenmilstein.com, efilings@cohenmilstein.com

Darren J Robbins e_file_sd@csgrr.com

David Daniel Hoff dhoff@tousley.com, efile@tousley.com

Douglas C McDermott doug@mcdermottnewman.com, eric@mcdermottnewman.com

Daniel Slifkin dslifkin@cravath.com

Edward C. Signaigo esignaigo@scott-scott.com

Evan R. Chesler echesler@cravath.com

Floyd Abrams fabrams@cahill.com

Gavin Williams Skok gskok@riddellwilliams.com, jsherred@riddellwilliams.com, lmoore@riddellwilliams.com

Geoffrey M Johnson gjohnson@scott-scott.com, efile@scott-scott.com

Hal D Cunningham hcunningham@scott-scott.com, efile@scott-scott.com, halcunningham@gmail.com

[Proposed] Order Granting Defendants' Motion to Preclude Use of Untimely Disclosed Witnesses Pursuant to Fed. R. Civ. P. 37(c)(1)
(CV09-037 MJP)

HILLIS CLARK MARTIN & PETERSON P.S.
1221 Second Avenue, Suite 500
Seattle, Washington 98101-2925
Telephone: (206) 623-1745
Facsimile: (206) 623-7789

1 Hector J. Valdes hvaldes@cravath.com
2 Hollis Lee Salzman (Terminated) hsalzman@labaton.com,
3 ElectronicCaseFiling@labaton.com
4 James J. Coster jcoster@ssbb.com, jregan@ssbb.com, managingclerk@ssbb.com
5 Janissa Ann Strabuk jstrabuk@tousley.com, lrolling@tousley.com,
6 wcruz@tousley.com
7 Jason T Jasnoch jjasnoch@scott-scott.com, efile@scott-scott.com
8 Jesse M. Weiss jweiss@cravath.com
9 Joel P Laitman jlaitman@cohenmilstein.com
10 John D Lowery jlowery@riddellwilliams.com, dhammonds@riddellwilliams.com
11 John D. Pernick john.pernick@bingham.com
12 John T. Jasnoch jjasnoch@scott-scott.com
13 Jonathan Gardner jgardner@labaton.com
14 Joseph P Guglielmo jguglielmo@scott-scott.com, efile@scott-scott.com
15 Joseph A. Fonti (Terminated) jfonti@labaton.com, ElectronicCaseFiling@labaton.com
16 Joshua M. Rubins jrubins@ssbb.com, jregan@ssbb.com, managingclerk@ssbb.com
17 Joshua S. Devore jdevore@cohenmilstein.com, efilings@cohenmilstein.com
18 Julie Goldsmith Reiser jreiser@cohenmilstein.com
19 Julie Hwang (Terminated) jhwang@labaton.com, ElectronicCaseFiling@labaton.com
20 J. Wesley Earnhardt wearnhardt@cravath.com
21 Kenneth J Pfaehler kenneth.pfaehler@snrdenton.com, nicole.reeber@snrdenton.com
22 Kenneth M Rehns krehns@cohenmilstein.com
23 Kerry F Cunningham kerry.cunningham@dlapiper.com
24 Kevin P Chavous kchavous@sonnenschein.com
25

*[Proposed] Order Granting Defendants' Motion to
Preclude Use of Untimely Disclosed Witnesses Pursuant
to Fed. R. Civ. P. 37(c)(1)
(CV09-037 MJP)*

1 Kim D Stephens kstephens@tousley.com, cbonifaci@tousley.com,
2 lrolling@tousley.com, wcruz@tousley.com
3 Larry Steven Gangnes gangnesl@lanepowell.com, docketingsea@lanepowell.com,
4 donnellyjoss@lanepowell.com, sebringl@lanepowell.com
5 Leslie D Davis ldavis@sonnenschein.com
6 Mary Kay Vyskocil mvyskocil@stblaw.com
7 Matthew B. Kaplan mkaplan@cohenmilstein.com, efilings@cohenmilstein.com
8 Michael A. Paskin mpaskin@cravath.com
9 Michael H. Barr mbarr@sonnenschein.com
10 Nancy A Pacharzina (Terminated) npacharzina@tousley.com, mhottman@tousley.com
11 Paul Scarlato pscarlato@labaton.com, ElectronicCaseFiling@labaton.com
12 Paul Joseph Kundtz pkundtz@riddellwilliams.com, mbergquam@riddellwilliams.com,
13 mdowns@riddellwilliams.com
14 Richard A Speirs rspeirs@cohenmilstein.com
15 Richard F Hans richard.hans@dlapiper.com, dorinda.castro@dlapiper.com
16 Robert D Stewart stewart@kiplinglawgroup.com
17 Rogelio Omar Riojas omar.riojas@dlapiper.com, karen.hansen@dlapiper.com,
18 nina.marie@dlapiper.com
19 Ryan Wagenleitner rwagenleitner@scott-scott.com
20 S Douglas Bunch dbunch@cohenmilstein.com
21 Serena Rich ardson (Terminated) srichardson@labaton.com,
22 ElectronicCaseFiling@labaton.com
23 Stellman Keehnel stellman.keehnel@dlapiper.com, patsy.howson@dlapiper.com
24 Stephen M. Rummage steverummage@dwt.com, jeannecadley@dwt.com,
25 seadocket@dwt.com

*[Proposed] Order Granting Defendants' Motion to
Preclude Use of Untimely Disclosed Witnesses Pursuant
to Fed. R. Civ. P. 37(c)(1)
(CV09-037 MJP)*

1 Steve W. Berman steve@hbsslaw.com, heatherw@hbsslaw.com, robert@hbsslaw.com

2 Steven J Toll stoll@cohenmilstein.com, efilings@cohenmilstein.com

3 Steven P Caplow stevencaplow@dwt.com, jasonSchattenkerk@dwt.com,

4 patrickwatts@dwt.com, seadocket@dwt.com, sheilarowden@dwt.com

5 Steven W Fogg sfogg@corrchronin.com, hpowell@corrchronin.com,

6 reception@corrchronin.com

7 Susan L. Hoffman susan.hoffman@bingham.com

8 Tammy Roy troy@cahill.com

9 Thomas G. Rafferty trafferty@cravath.com

10 Timothy Michael Moran moran@kiplinglawgroup.com, cannon@kiplinglawgroup.com

11 Walter W. Noss wnoss@scott-scott.com, efile@scott-scott.com

12 DATED this 25th day of May, 2012 at Seattle, Washington.

13
14 By: /s/ Louis D. Peterson
15 Louis D. Peterson, WSBA #5776
16 1221 Second Avenue, Suite 500
17 Seattle, WA 98101-2925
18 Telephone: (206) 623-1745
19 Facsimile: (206) 623-7789
20 Email: ldp@hcmp.com
21
22
23
24
25

*[Proposed] Order Granting Defendants' Motion to
Preclude Use of Untimely Disclosed Witnesses Pursuant
to Fed. R. Civ. P. 37(c)(1)
(CV09-037 MJP)*

**HILLIS CLARK MARTIN &
PETERSON P.S.**
1221 Second Avenue, Suite 500
Seattle, Washington 98101-2925
Telephone: (206) 623-1745
Facsimile: (206) 623-7789